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Assistant Commissioner for PatentsApplication No. 09/773,581

- R E M A R K S / A R G U M E N T S -

Claims 1, 3 to 8, 10 to 13, and 15 to 18 remain in the application.

Claim 15 stands rejected under 35 U.S.C. 112, first paragraph, as the recitation of "discrete" is considered a new matter. Applicant has amended claim 15 to cancel the term "discrete" from the claim.

Claim 15 stands rejected under 35 U.S.C. 112, second paragraph, as being misdescriptive and/or inaccurate because the spacer does not cooperate with the real engaging member to support the organizer unit in a vertical position. Claim 15 has been amended to set forth that the spacer creates a gap behind the storage organizer once installed on said rail via said rail engaging member.

Claims 1 to 3, 7, 8, 10 to 13 and 15 stand rejected under 35 U.S.C. 103(c) as being unpatentable over Wing (U.S. patent No. 2,992,743) in view of Lee et al. (U.S. patent No. 5,050,832).

Wing and Lee et al. both suffer from the same drawback, namely they do not allow changing the height of the suspended storage unit after the wall-mounted rail has been securely fixed to a vertical wall. This causes some serious limitations when it is desired to suspend the unit from a rail that was originally positioned at a height determined in accordance with another storage unit having different dimensions than the one to be installed. To properly install the new unit, one would have to remove the rail from the wall and then reposition the rail thereon in accordance with the new storage unit.

Applicant's present invention overcomes this drawback by providing a rail engaging member and a storage unit arrangement, wherein the rail engaging member is mountable at selected vertically spaced-apart fixed locations along the unit.

In contrast, Wing's rail engaging member 19 can be mounted in a single position relative to the upright 1, that is at top and thereof via bolt 21 and nut 22 (see column 3, first paragraph). Likewise, Lee et al.'s bracket 20 can only be mounted at one location on

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the panel 56 that is in the recess 58. The other references cited by the Examiner also lack any vertically adjustable points of suspension.

In view of the foregoing, Applicant has amended independent claims 1, 15 and 16 to recite that a series of vertically spaced-apart holes are defined in the upright panels for allowing the rail engaging member to be mounted at selected vertically spaced-apart fixed locations along the upright panels.

Claim 2 has been cancelled as the subject matter thereof has been basically introduced into independent claim 1.

Claims 4 to 6, and 16 to 18 stand rejected under 35 U.S.C. 103 (c) as being unpatentable over Wing in view of Lee and al. as applied to claims 1 to 3, 7, 8, 10 to 13 and 15, and further in view of Campbell (U.S. patent No. 4,518,089).

These claims are believed patentable at least for the reasons above set forth with respect to independent claims 1, 15 and 16.

It is submitted that none of the references relied upon by the Examiner discloses or suggests the presently claimed invention. It is respectfully urged that the present claims are in condition for allowance. An early notice to this effect is earnestly solicited. Should there be any questions, the Examiner is courteously invited to contact the undersigned at the telephone number shown below.


Respectfully submitted,

Raymond ROUTHIER

By:

February 28, 2003

Date


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Encl. - Version with Markings
- Extension Request

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<u>ROBERT MITCHELL, Reg. No. 25,007</u> Name of person signing certification	
_____ Signature	<u>February 28, 2003</u> Date

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 2 has been deleted.

Claims 1, 15 and 16 have been amended as follows:

1. (twice amended) A storage organizer system comprising a rail adapted to be securely mounted to a substantially flat vertical surface, a storage unit including at least two laterally spaced-apart upright panels having front and rear portions, at least one rail engaging member mounted to the two laterally spaced-apart upright panels and extending towards the rear, said rail engaging member being adapted to engage the rail for suspending the unit from the rail, ~~and a spacer extending rearwardly from each of said upright panels at a distance from said rail engaging member for defining a gap (D) behind said storage unit once installed on said rail, and a series of vertically spaced-apart holes defined in said upright panels for allowing said rail engaging member to be mounted at selected vertically spaced-apart fixed locations along said at least two spaced-apart upright panels.~~

15. (twice amended) A storage organizer system comprising a rail adapted to be fixed to a vertical surface, a storage organizer unit for supporting some articles, a rail engaging member mounted to said storage organizer unit and projecting rearwardly therefrom for hanging said storage organizer unit from said rail, and a ~~discrete~~ spacer extending rearwardly from a lower end portion of said storage organizer unit at a distance from said rail engaging member for ~~defining cooperating therewith in supporting said storage organizer unit in a substantially vertical position with~~ a gap (D) ~~being defined~~ behind said storage organizer unit once installed on said rail, wherein a series of vertically spaced-apart holes are defined in said storage organizer unit to provide for selective positioning of said engaging member relative to said storage organizer unit.

16. (amended) A storage organizer system comprising a rail adapted to be securely mounted to a substantially flat vertical surface, a storage unit including at least two laterally spaced-apart upright panels having front and rear portions, and at least one rail engaging member mounted to the two laterally spaced-apart upright panels and extending towards the rear, said rail engaging member being adapted to engage the rail for

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suspending the unit from the rail, wherein said rail engaging member includes a transversal member extending across said at least two laterally spaced-apart upright panels, and at least one hook mounted to said transversal member between said at least two laterally spaced-apart upright panels for engagement with said rail, and wherein a series of vertically spaced-apart holes are defined in said upright panels for allowing said transversal member to be mounted at various heights in the storage unit.